

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PETER J. SMITH,)	
)	
Plaintiff,)	
)	
v.)	2:06-CV-00118-WKW
)	[wo]
ALABAMA DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Defendant.)	

ORDER ON MOTION

On April 18, 2006, the Magistrate Judge entered a *Recommendation* that the court grant Defendant's *Motion to Dismiss* (Doc. 7, March 17, 2006)), to which the *pro se* plaintiff failed to respond in opposition by the April 10, 2006, deadline set by Order issued March 20, 2006 (Doc. 8) On the May 2 deadline set for Objections to the Recommendation, Plaintiff filed a *Motion for Reconsideration* (Doc. 11), stating as reason: “[By the local rules of any District Court, the day of the act, event, or default from which the designated period of time begins to run shall not be ...]”

As the sentence is incomplete, the court cannot discern the Plaintiff's intent. No pleading is submitted with the Motion, and the record does not reflect the Plaintiff's filing of any opposition to the dismissal motion. Indeed, notwithstanding the April 10, 2006, deadline set for such a response, in order to ensure the docketing of any opposition received close to the deadline, the Magistrate Judge delayed a full week before filing a Recommendation. Accordingly, it is

ORDERED that the *Motion for Reconsideration* is DENIED as the Plaintiff presents no reason for reconsideration.

To the extent that the Plaintiff intended his Motion to be his Objection due on May 2 to

the Recommendation, it is due to be denied as it fails to respond to the substance of the Recommendation; thus, the Magistrate Judge refers this matter to the District Judge for review of, and action on, the Recommendation.

Done this 5th day of May, 2006

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE